

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

RICHARD ROSE et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his
official capacity as Secretary of State of
the State of Georgia,

Defendant.

Civil Action No. 1:20-cv-02921-SDG

PLAINTIFFS' SECOND MOTION FOR JUDICIAL NOTICE

Pursuant to Rule 201(b)(2) of the Federal Rules of Evidence, Plaintiffs Brionté McCorkle, Wanda Mosley, Richard Rose and James “Major” Woodall, through their attorneys, respectfully ask the Court to take judicial notice of the following facts based on data produced by the Census Bureau and the Secretary of State’s office. *See Hollinger v. Home State Mut. Ins. Co.*, 654 F.3d 564, 571-72 (5th Cir. 2011) (per curiam) (“United States census data is an appropriate and frequent subject of judicial notice.”); *Benavidez v. City of Irving*, 638 F. Supp. 2d 709, 721 (N.D. Tex. 2009) (taking judicial notice of an American Community Survey (“ACS”) publication and observing “that the Census Bureau considers ACS data reliable and intends for it to be relied upon in decisions such as Voting Rights

Act compliance”); *see also United States v. Phillips*, 287 F.3d 1053, 1055 n.1 (11th Cir. 2002) (taking judicial notice of census data); *Hollis v. Davis*, 941 F.2d 1471, 1474 (11th Cir. 1991) (same); *Moore v. Comfed Sav. Bank*, 908 F.2d 834, 841 n.4 (11th Cir. 1990) (same); *Wilson v. Ill. Cent. R.R. Co.*, No. 09-cv-7392, 2012 WL 135446, at *3 (N.D. Ill. Jan. 12, 2012) (taking judicial notice of ACS data and collecting cases). The Eleventh Circuit has upheld decisions that have taken judicial notice of census data in vote dilution challenges under Section 2 of the Voting Rights Act. *See Negrón v. City of Miami Beach*, 113 F.3d 1563, 1565, 1570 (11th Cir. 1997). This Court previously took judicial notice of other census data. (ECF 97 at 37.)

The facts below are intended to update those alleged in paragraphs 14, 15 and 17 of the complaint based on the latest available data. All data supporting these facts are attached.

Plaintiffs ask the Court to take judicial notice of the following:

1. According to the 2020 Census, the State of Georgia has a total population of 10,711,908 persons, of whom 5,362,156 (50.1%) are non-Hispanic White alone, 3,538,146 (33.0%) are Black alone or in combination with some other race, and 1,811,606 (16.9%) are

members of other racial groups. Ex. 1 at 3-8, 11-17 (Tables [P1](#) and [P2](#)).

2. According to the 2020 Census, the State of Georgia has a voting-age population of 8,220,274 persons, of whom 4,342,333 (52.8%) are non-Hispanic White alone, 2,607,986 (31.7%) are Black alone or in combination with some other race, and 1,269,955 (15.4%) are members of other racial groups. Ex. 1 at 20-25, 28-34 (Tables [P3](#) and [P4](#)).
3. According to data from the Secretary of State, Georgia had a total of 7,004,034 active voters as of December 2021. Of those, 3,716,904 (53.1%) self-identified as non-Hispanic White, 2,058,705 (29.4%) self-identified as non-Hispanic Black, 260,631 (3.7%) self-identified as Hispanic, 189,814 (2.7%) self-identified as Asian or Pacific Islander, and 777,980 (11.1%) are identified as a member of another or unknown racial group. Ex 2 ([Active Voters by Race](#)).

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D), NDGa, the undersigned hereby certifies that the foregoing document has been prepared in Times New Roman 14, a font and type selection approved by the Court in LR 5.1(B), NDGa.

/s/ *Bryan L. Sells*

Bryan L. Sells